

Senate Resolution 697

By: Senators Powell of the 23rd and Hooks of the 14th

## A RESOLUTION

Proposing an amendment to the Constitution of Georgia so as to reserve to the people of the state the power to propose laws and amendments to the Constitution of Georgia and to enact or reject the same; to provide procedures and restrictions connected therewith; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

### SECTION 1.

Article III of the Constitution of Georgia is amended by adding at the end thereof a new Section XI to read as follows:

#### "SECTION XI.

#### PUBLIC INITIATIVE

Paragraph I. ***Power vested in the people.*** (a) The legislative power of the state shall be vested in the General Assembly which shall consist of a Senate and House of Representatives, both to be elected by the people, but the people reserve to themselves the power to propose laws and amendments to the Constitution of Georgia and to enact or reject the same at the polls independent of the General Assembly and also reserve power at their own option to approve or reject at the polls any Act or item, section, or part of any Act of the General Assembly.

(b) The first power hereby reserved by the people is the initiative, and signatures as provided in subparagraph (d) of this Paragraph shall be required to propose any measure by petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions for state legislation and amendments to the Constitution of Georgia, in such form as may be prescribed pursuant to law, shall be addressed to and filed with the Secretary of State at least three months before the general election at which they are to be voted upon.

1 (c) The second power hereby reserved by the people is the referendum, and it may be  
2 ordered against any Act or item, section, or part of any Act of the General Assembly by a  
3 petition signed by registered electors in an amount equal to at least 5 percent of the total  
4 number of votes cast for all candidates for the office of Governor at the previous general  
5 election. Referendum petitions, in such form as may be prescribed pursuant to law, shall  
6 be addressed to and filed with the Secretary of State not more than 270 days after the final  
7 adjournment of the session of the General Assembly that passed the bill on which the  
8 referendum is demanded. The filing of a referendum petition against any item, section, or  
9 part of any Act shall not delay the Act from becoming operative.

10 (d) Statutory initiatives and constitutional initiatives must be signed by at least 5 percent  
11 and 8 percent, respectively, of the total number of votes cast for all candidates for the office  
12 of Governor at the previous general election, in at least two-thirds of the United States  
13 congressional districts in the state, in order to be placed on the ballot.

14 (e) The veto power of the Governor shall not extend to measures initiated by or referred  
15 to the people. All elections on measures initiated by or referred to the people of the state  
16 shall be held at the biennial regular general election, and all such measures shall become  
17 the law or a part of the Constitution of Georgia, when approved by a majority of the votes  
18 cast thereon, and not otherwise, and shall take effect from and after the date of the official  
19 declaration of the vote thereon by proclamation of the Governor but not later than 30 days  
20 after the vote has been canvassed. This section shall not be construed to deprive the  
21 General Assembly of the power to enact any measure.

22 (f) The original draft of the text of proposed initiated constitutional amendments and  
23 initiated laws shall be submitted to the Office of Legislative Counsel for review and  
24 comment. No later than two weeks after submission of the original draft, unless withdrawn  
25 by proponents, the Office of Legislative Counsel shall render their comments to the  
26 proponents of the proposed measure at a meeting open to the public which shall be held  
27 only after full and timely notice to the public. Such meeting shall be held prior to the fixing  
28 of a ballot title. Neither the General Assembly nor its committees or agencies shall have  
29 any power to require the amendment, modification, or other alteration of the text of any  
30 such proposed measure or to establish deadlines for the submission of the original draft of  
31 the text of any proposed measure.

32 (g) The petition shall consist of sheets having such general form printed or written at the  
33 top thereof as shall be designated or prescribed by the Secretary of State; such petition shall  
34 be signed by registered electors in person only and shall have attached the residence  
35 address of such persons and the date of signing the same. To each of such petitions, which  
36 may consist of one or more sheets, shall be attached an affidavit of some registered elector

1 that each signature thereon is the signature of the person whose name it purports to be and  
2 that, to the best of the knowledge and belief of the affiant, each of the persons signing said  
3 petition was, at the time of signing, a registered elector. Such petitions shall be verified by  
4 the Secretary of State's office as prescribed pursuant to law as to the signatures thereon  
5 being genuine and true and that the persons signing the same are registered electors.

6 (h) The Secretary of State shall submit all measures initiated by or referred to the people  
7 for adoption or rejection at the polls in compliance with this section. The text of all  
8 measures to be submitted shall be published as constitutional amendments are published;  
9 and, in submitting the same and in all matters pertaining to the form of all petitions, the  
10 Secretary of State and all other officers shall be guided by the general laws.

11 (i) It shall be a misdemeanor to pay in money or other valuable considerations for the  
12 signing of petitions or ballots and each such payment to a voter shall constitute a separate  
13 offense, but it shall not be illegal to pay for the work of collecting initiative signatures.

14 (j) Any person or committee which accepts contributions or makes expenditures designed  
15 to bring about the approval or rejection of any initiative or referendum petition shall be  
16 subject to the requirements for public disclosure and reporting as provided by general law;  
17 provided, however, that no person, organization, or political action committee shall be  
18 allowed to contribute to any person or committee which accepts contributions or makes  
19 expenditures designed to bring about the approval or rejection of any initiative or  
20 referendum petition an aggregate amount in excess of the maximum allowable amount  
21 specified by general law which may be contributed to a candidate for state-wide office in  
22 any election."

## 23 SECTION 2.

24 The above proposed amendment to the Constitution of Georgia shall be published and  
25 submitted as provided in Article X, Section I, Paragraph II of the Constitution of Georgia.  
26 The ballot submitting the above proposed amendment shall have written or printed thereon  
27 the following:

28 "( ) YES Shall the Constitution of Georgia be amended so as to provide that the  
29 people of the state may propose laws and amendments to the Constitution

30 ( ) NO and vote on such laws and amendments in state-wide referenda?"

31 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."

32 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If  
33 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall  
34 become a part of the Constitution of this state.